

10-342 US
09/898,379

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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MAY 25 2005

In re Application of: Kovar et al.

Serial No.: 09/898,379

Group Art Unit: 2633

Filed: 7/5/2001

Examiner: DZUNG D. TRAN

Title: *Optical Modulator and Method for Polarization Bit Interleaving*STATEMENT

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I have been an employee at Lacasse & Associates, LLC since July 2003. During that time I worked with Elizabeth Hein, the Assistant Manager of Administrative Services. To my knowledge, one of the duties of Ms. Hein was to retrieve and distribute all incoming USPTO correspondence. Upon receipt of USPTO correspondence, Ms. Hein would use our case tracking system, CTS 5.0, to look up our internal case numbers by using the U.S. application number. Then, she would retrieve the file wrapper from our file room and process the correspondence according to the procedures detailed below. During her employment with Lacasse & Associates, LLC, Ms. Hein was in charge of monitoring the applications of several clients.

Our procedure for handling incoming USPTO correspondence is accurate as stated in the Renewed Petition Under 37 CFR 1.137(a) and in the paragraph below.

After opening all incoming mail from the United States Patent and Trademark Office, the proper procedure for docketing incoming USPTO correspondence, specifically office actions, is as follows: (1) Log into CTS (our case management software); (2) while in CTS, search for our docket number by typing in the U.S. application number in the search form; (3) write our docket number on the envelope or a post-it note and attach it to the corresponding USPTO correspondence; (4) retrieve the file wrapper of the corresponding file from our record room; (5) write

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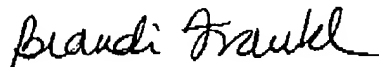
the mailing date of the office action on the front cover of the file wrapper; (6) return to CTS and access the office action screen of the corresponding case; (7) enter the mailing date from the front page of the office action into the "mailing date" field of the office action screen; (8) upon entering the mailing date at the office action screen, the software will prompt the user to enter the mailing date again in order to confirm the accuracy of the entry; (9) after entering the mailing date to confirm accuracy, the software generates two dates -- (a) the "Date Due", which is three months from the mailing date of the office action (two months if a final office action); and (b) the "Last Date to File", which is six months from the mailing date of the office action; (10) the user will be prompted to accept the dates; (11) after accepting the dates, the user then generates a letter to the client, notifying him of an office action; (12) the user then generates an amendment form for the patent agent to complete at a later date; (13) the employee makes two copies of the office action -- the original office action is sent to the client, one copy of the office action is hole-punched and placed in the incoming USPTO correspondence section of the file wrapper, and the other copy of the office action is placed in a working folder for the patent agent; (14) the employee then creates several labels for the patent agent's working folder indicating the following -- (a) our docket number for the case, (b) the two-month due date for the response to the office action, and (c) the three-month due date for the response to the office action; (15) the labels are placed on the front of the working folder and the copy of the office action is stamped with "COPY" on the front and placed in the working folder; (16) the employee gives the file wrapper to another employee who enters the following information into the shared "Patent Dept. Office Actions" task list in Microsoft Outlook -- the docket number, patent application title, client contact information, type of response needed, assigned patent agent initials, an indication of a "final" office action (if the office action is final), the due date, and the month of response for that due date; (17) the working folder and file wrapper are given to the appropriate patent secretary; (18) the patent secretary enters the due date on their personal desk or wall calendar; (19) the patent secretary enters the due date on the desk or wall calendar of the Assistant Manager of Administrative Services; and (20) finally, the working folder and file wrapper are given to the appropriate patent agent who will work on the response to the office action.

At the time the docketing error occurred (approximately June 7, 2004), there were no physical signs such as overdue reminders, an abundance of correspondence in her inbox or desk,

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or unusual work habits that may have indicated that there was a problem with her performing her duties.

Respectfully submitted,



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Patent Secretary

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April 18, 2005